# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

**Box PATENT APPLICATION**
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

      This is a request for filing a [ ] continuation [X] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. <u>08/487,974</u> filed on <u>June 7, 1995</u>, for <u>Chromosome-Specific Staining to Detect Genetic Rearrangements</u>, by the following named inventor(s):

    (a)    Full Name    Joe Gray

    (b)    Full Name    Daniel Pinkel

    (c)    Full Name    Douglas Tkachuk

[X]    The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

[ ]    This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to <u>delete the name(s) of the following person or persons</u> who are not inventors of the invention being claimed in this application.

    (a)    Full Name

    (b)    Full Name

    (c)    Full Name

[ ]    This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to <u>add the name(s) of the following person or persons</u> who are inventors of the invention being claimed in this application.

    (a)    Full Name

    (b)    Full Name

    (c)    Full Name

[ ]    Applicant(s) hereby request(s) that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

[ ]    Applicant(s) suggest(s) Figure _ for inclusion on the front page of the patent application publication and patent.

(11/00)

1. [X] Enclosed is a copy of the prior Application No. 08/487,974 as originally filed on June 7, 1995, including copies of the specification, claims, drawings and the executed oath or declaration as filed.

2. [ ] Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.

3. [ ] Small entity status is hereby claimed.

4. [X] The filing fee is calculated below [X] and in accordance with the enclosed preliminary amendment:

| CLAIMS | | | | | |
|---|---|---|---|---|---|
| | NO. OF CLAIMS | | EXTRA CLAIMS | RATE | FEE |
| Basic Application Fee | | | | | $710.00 (101) |
| Total Claims | 1 | MINUS 20 = | --- | $18.00 (103) = | |
| Independent Claims | 1 | MINUS 3 = | --- | $80.00 (102) = | |
| If multiple dependent claims are presented, add $270.00 (104) | | | | | |
| Total Application Fee | | | | | 710.00 |
| If small entity status is claimed, subtract 50% of Total Application Fee | | | | | |
| Add Assignment Recording Fee of if Assignment document is enclosed | | | | | |
| **TOTAL APPLICATION FEE DUE** | | | | | **$710.00** |

5. [ ] Charge $ _____ to Deposit Account No. 02-4800 for the fee due.

6. [ ] A check in the amount of $ NO FEE is enclosed for the fee due.

7. [ ] The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

8. [X] Cancel in this application original claims 2-126 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

9. [X] Amend the specification by inserting before the first line the sentence: --This application is a [ ] continuation, [X] divisional, of Application No. 08/487,974, filed June 7, 1995, which is a continuation of 08/342,028 filed Nov. 16, 1994; which is a continuation of 08/181,367, filed Jan. 14, 1994; which is a continuation of

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08/054,353, filed April 28, 1993; which is a continuation of 07/537,305, filed June 12, 1990; which is a continuation-in-part of 07/497,098, filed March 20, 1990; which is a continuation-in-part of 07/444,669 filed Dec. 1, 1989; which is a continuation-in-part of 06/937,793, filed Dec. 4, 1986; which is a continuation of 06/819,314, filed January 16, 1986; which is a continuation of 07/382,094, filed July 19, 1989 . --

10. [X]   New drawings are enclosed.

11. [ ]   Priority of Application No. _ filed on _ in _ (country) is claimed under 35 U.S.C. § 119.

         [ ] The certified copy of the priority application
                  [ ] is enclosed
                  [ ] was filed on _ in prior Application No. _, filed on _, and acknowledged
                  by the Examiner on _ in Paper No. _
                  [ ] has not yet been filed.

12. [ ]   A preliminary amendment is enclosed.

13. [ ]   An Information Disclosure Statement is enclosed.

14. [ ]   A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.

15. [ ]   Also enclosed _.

16. [X]   The power of attorney in the prior application is to R. Danny Huntington, Reg. No. 27,903 .
         a.   [ ]  The power appears in the original papers in the prior application.
         b.   [X]  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
         c.   [X]  Recognize as Associate Attorney Malcolm K. McGowan, Ph.D. Reg. No. 39,300 .
         d.   [X]  Address all future communications to:  (May only be completed by applicant, or attorney or agent of record.)

         R. Danny Huntington, Esq.
         BURNS, DOANE, SWECKER & MATHIS, L.L.P.
         P.O. Box 1404
         Alexandria, Virginia 22313-1404

Date:  January 22, 2001          By: _Malcolm K. McGowan_
                                 Malcolm K. McGowan, Ph.D.
                                 Registration No. 39,300

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.          [ ] inventor(s)
P.O. Box 1404                                   [ ] assignee of complete interest
Alexandria, Virginia 22313-1404                 [ ] attorney or agent of record
(703) 836-6620                                  [X] filed under 37 C.F.R. § 1.34(a)